

# AGENDA

## TEXCOM MEETING

Trusts and Estates Section, State Bar of California  
Sunday September 28, 2008  
Monterey Marriott—Ferrantes Room 10<sup>th</sup> Floor  
Breakfast from 9:00 AM; Meeting 9:30-3:00 PM

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*"According to the charts, it should be all clear sailing after this."*

**I. WELCOME, INTRODUCTIONS, AND REPORTS OF CHAIR/VICE CHAIR AND ADMINISTRATOR (20 minutes)**

- A. Welcome [Stern]
- B. Approval of Minutes of July 19, 2008, Meeting [Stern]
- C. Report of Chair; Introduction of New Members;  
Development of Future Members for 2009 (10 min)— [Stern]
- D. Report of Vice Chair (5 min)  
Finance and Budget – Financial Report; [Tong]
- E. Report of Section Administrator [Orloff]

**COMMITTEE, TASK FORCE, AND LIAISON REPORTS**

**II. LEGISLATION (15 minutes) [REGGIARDO; COREY]**

- A. Timeline for TEXCOM legislative proposals—
- B. Priorities for Bills Presently in Legislature
- C. Mandatory procedures re legislative proposal format
- D. Mandatory procedures re position papers format
- E. Online Bill Tracking legislative information:  
[www.leginfo.ca.gov/](http://www.leginfo.ca.gov/) [GO TO THIS SITE FOR TEXTS OF ANY BILLS  
THAT HAVE NOT BEEN UPLOADED TO THE AGENDA PACKET]  
CapitalTrack sites (See Legislation Committee Workroom Folder)

**IMPORTANT GUIDELINES:**

- Please use approved format for legislative proposals.
- Please use approved comment form for legislation comments.
- Always write to Saul Bercovitch, not directly to a member of legislature or legislative staff.
- Contact our lobbyist Jennifer Wada for hands on assistance in Sacramento
- Confirm testimony needs with Legislation Chair.
  - If you agree to testify, be there unless otherwise notified.

**Bills, by Subcommittee:**

**(1) Trust-Estate Administration**

- a. AB 171 (Beall) Filing Fees [POTTS]--Enrolled
- b. SB 1407 (Perata) Fees [POTTS]--Enrolled
- b. SB 1421 (Harman-Trust admin-Inc. and Principal) [BURGER]  
Died
- c. AB 2642 (Niello-Unclaimed Property)  
Died [SCHENONE]
- d. SB 1319 (Machado-Unclaimed Property)  
Enrolled [SCHENONE]

**(2) CLRC:**

- a. SB 1264 (Harman—Wills and Trusts—NO CONTEST)  
Recommendation: SUPPORT IF AMENDED [HORTON]  
[Chaptered, Stats. 2008, Ch. 174]

**(3) Estate Planning**

- a. SB 685 (Yee-Pet Trust) Recommendation: Support [SCHENONE]  
[Chaptered, Stats. 2008, Ch. 83]
- b. AB 2452 (Davis-Notaries-Fees and Educational Requirements)  
Recommendation: Follow [EHRMAN]  
[Chaptered, Stats. 2008., Ch. 67]
- c. SB 1066 (Migden-Domestic Partnerships) [SCHROTH]  
Died
- d. SB 1396 (Cox-Recording Fees) [EHRMAN]  
Enrolled
- e. AB 3000 (Wolk-Health Care Decisions) [SCHENONE]  
[Chaptered, Stats. 2008, Ch. 266]
- f. AB 2248 (Spitzer-wills)  
[Chaptered, ch. 53, stats. 2008]

**(4) Incapacity**

- a. SB 1140 (Steinberg-Financial Abuse) [COREY]  
Enrolled
- b. SB 483 (Kuehl-Medi-Cal DRA Implementation)  
Recommendation: Follow [Stern]  
Enrolled
- c. AB 225 (Beall—TROs, elder abuse)  
Enrolled [LEE]
- d. AB 2014 (Tran—Out of state property)  
TEXCOM bill [BROWN ]  
[Chaptered, ch. 52, stats. 2008]

**(5) Conservatorship Working Group**

- a. SB 800 (Corbett-Conservatorships-JC Task Force) [LODISE]  
Died
- b. AB 1340 (Jones-Conservatorship cleanup) [Stern]  
Enrolled

**(6) Educating Seniors**

- a. AB 2149 (Berg-Investment Advisors)  
Enrolled [SALLUS]
- b. AB 2150 (Berg-Sales Designations) [SALLUS]  
Enrolled

**III. ETHICS (5 minutes) [LODISE]**

A. RRC : Status of rule reform

**III.V ELECTIVE ADMINISTRATION OF TRUSTS AND ESTATES  
[BURGER/HARTOG] (30 minutes)**

A. Prob. Code 14004 Proposal

**IV. CLRC (20 minutes)**

**[HORTON]**

- A. Restrictions on donative transfers-Report on CLRC recommendations
- B. Attorney-client privilege after death-Status and discussion
- C. Clean-up proposal on No Contest Clause

**V. ESTATE PLANNING (35minutes) [MACDONALD]**

- A. Rule against perpetuities (10 minutes) [GAW]
- B. Statutory Power of Attorney—PC 4462(b), 4264(d),  
4457(d)—Conformity of powers issues (10 minutes) [HOWARD]
- C. Statutory Will Issues (10 minutes) [CRICKARD]
- D. In Re Marriages (5 minutes) [EHRMAN; SCHROFF]

**VI. TRUST - ESTATE ADMINISTRATION (35 minutes) [BURGER]**

- A. Trustee notification status of proposal (5 minutes) [BURGER; BAER]
- B. Report and Account status of proposal (5 minutes) [LAWSON]
- C. Section 16350; Hasso v. Hasso (10 minutes) [SCHENONE]
- D. 15400 et seq.: Trust reformation project and  
Related matters (15 minutes) [REGGIARDO]

**LUNCH**

**VII. INCAPACITY COMMITTEE (30 minutes)**

**[LODISE]**

- A. Professional Fiduciaries Bureau [Matulich]
- B. Probate Code section 1470 (Appointed counsel for the already  
Represented) [Beltran-Lee]

**VIII. CONSERVATORSHIP WORKING GROUP (10 minutes) [COREY]**

See Item 3, Legislation.

- A. AB 2247: New Approach for our conservatorship investment project [Stern]
- B. New Matters—Cleanup issues [Corey]

**IX. EDUCATING SENIORS ( 5 minutes)**

**[SALLUS]**

- A. Attorney General Video
- B. Knights of Columbus speaking opportunity

**X. CONFERENCE OF DELEGATES (5 minutes)**

**[HENDEN]**

- A. Status of Probate Bills at COD

**XI—See item III.V**

**XII. TECHNOLOGY (5 minutes)**

**[GAW]**

- A. E-News
- B. Workroom issues

**XIII.. NCCUSL (2 minutes)**

**[FITZPATRICK]**

**XIV. INCOME/TRANSFER TAX (10 minutes)**

**[JAECH]**

- A. California fiduciary income tax developments [HAYES]
- B. News on the Estate Tax Front
- C. Property Tax-Co-tenant transfers
- D. Rev. Rul. 2008-22, 2008-16 I.R.B. 796 – Transfers with Retained Life Estates

**XV. MEMBERSHIP AND MARKETING (5 minutes)**

**[LAWSON;SCHROFF]**

- A. Liaison with other Sections to expand program outreach
- B. Update of Section's Marketing Materials

**XVI. EDUCATION (10 minutes)**

**[ITO]**

- A. Monterey Annual Meeting Programs--Report
- B Roadshow: LA, 11/14/08
- C. SEI: 1/09
- D. Stand Alone Programs 2009
- E. Development of New Speakers
- F. Your Legal Rights

**[EHRMAN]**

**XVII. LITIGATION (5 minutes)**

**[ZABRONSKY]**

- A. Future items to develop

**XVIII. CEB (2 minutes)**

**[GOOD]**

**XIX. QUARTERLY (5 minutes)**

**[HAYES]**

- A. Article solicitation

**XX. NEW BUSINESS**

**XXI. COMING ATTRACTIONS**

**Roadshow, LAX Marriott, 11/14/08**

**TEXCOM meeting, LAX Marriott, 9 am-3 pm,**

**November 15, 2008**